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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,714	01/06/2006	Thomas Gierschik	449122080300	9161
29177	7590	01/08/2008	EXAMINER	
BELL, BOYD & LLOYD, LLP			TAKELE, MESEKER	
P.O. BOX 1135			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/527,714	GIERSCHIK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MESEKER TAKELE	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 November 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-7 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This communication is responsive to the Amendment filed 11/07/ 2007.
2. Claims 1-7 are pending in this application. Claims 1, 6 and 7 are independent claims. In the instant Amendment, claim 6, were amended.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Battat et al. (“Battat” US Patent No.: 5,958,012).

As to claim 1, Battat discloses a communications network planning system, (col. 6, lines 32-39) comprising with a graphical user interface (col., 5 lines, 65-66) having an overview of sub networks within a communications network (col., 5 lines, 60-61), including:

a first selector for selecting a graphical representation of a sub network, which incorporates hierarchically, structured details of node types present in the sub network (col., 16 lines, 46-54 and col., 1 lines, 40-45)

and details of links, which exist between the node types (Figure 5 and Figure 14);

a second selector for selecting a combined graphical representation of an extract of each sub network for interlinked sub networks (Figure 5),

in a region of a sub-network interface, which includes hierarchically structured details of the node types present in the region of the sub network interface concerned, and details of the links, which exist between the node types (Figure 11)

and a control unit for activating the graphical user interface in accordance with selection inputs received from an input unit (Figure 10D).

As to claim 3, Battat discloses wherein the graphical representation of a sub network incorporates details of the functionality of the node types concerned (col., 5 lines, 5 - 8).

As to claim 4, Battat discloses wherein the graphical representation of a sub network incorporates details of the nodes for each node type and/or the numbers of locations for each node type (see col., 1 lines, 41-45).

As to claim 5, Battat discloses wherein the graphical representation of a sub network incorporates details of the infrastructure installation products and/or their vendors, for the node types concerned (col., 10 lines, 25-26).

As to claim 6, Battat discloses a method for creating communications network diagrams (col., 17 lines 39-67 and Figure 17) comprising: providing, through a graphical

user interface of a communications network planning system (col., 4 lines, 65-66 and abstract),

providing first selector for printing out a graphical representation of a sub network, which incorporates hierarchically structured details of node types present in the sub network and details of links which exist between the node types (col., 16, lines, 46-54, col., 4 line, 53, col., 1 lines, 40-45, col., 17 lines 39-67, Figure 5, Figure 14, Figure 17 and abstract), and

providing a second selector for printing out a combined graphical representation of an extract, for linked sub networks (abstract, Figure 5, col., 4 lines, 53 and col., 17 lines 39-67), of each sub network in a region of a sub network interface, which incorporates hierarchically structured details of node types present in a region of the sub network interface concerned, and details of links which exist between the node types (abstract, col., 17 lines 39-67 and Figure 11); and activating a printer device assigned to the communications network planning system to print out communications network diagrams in accordance with selection inputs received from an input unit (abstract, col., 5 line 37 and Figure 17).

As to claim 7, Battat discloses a control program for a communications network planning system (Figure 2), which can be loaded into a working memory of a control program device and which has at least one section of code such that, when executed, performs:

providing, through a graphical user interface of the communications network planning system, an overview of sub networks within a communications network (col., 7 lines, 60-61)

providing a first selector for selecting a graphical representation of a sub network (col., 16 lines, 46-54 and col., 1 lines, 40-45), which incorporates hierarchically structured details of node types present in the sub network concerned and details of links which exist between the node types (Figure 5 and Figure 14),

providing a second selector for selecting a combined graphical representation of an extract, for linked sub networks (Figure 5), of each sub network in a region of a sub network interface, which incorporates hierarchically structured details of node types present in the region of the sub network interface, and details of links which exist between the node types (Figure 11);

and activating the graphical user interface to display a selected sub network and/or sub network interface, in accordance with selection inputs received from an input unit, when the control program is executed in the control program device (abstract).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battat (US Patent No.: 5, 958,012) in view of Bowman-Amuah (US Patent No.: 6, 611,867).

As to claim 2, Battat discloses wherein the details of node types, present in the sub network and/or the region of a sub network interface, are hierarchically structured according to the network hierarchy level to which the node concerned can be assigned, between the subscriber access network and the transport network (col., 16 lines 46-54 and col., 1 lines, 40-45).

However Battat does not specifically disclose subscriber access network and the transport network.

Bowman from the same field of endeavor discloses subscriber access network (col., 8 lines, 27-28) and the transport network (Figure 14).

It would have been obvious to one of ordinary skill in the art to have modified Battat's network management at the time of the invention with subscriber network and transport network as presented by Bowman.

The motivation to combine to provide service providers the tool to better manage their carrier data networks.

#### ***Response To Arguments***

8. Applicant's arguments with respect to the amended claims 1, 11 and 21 have been fully considered but they are not persuasive.

Applicant argues that, Battat fails to disclose "a second selector for selecting a combined graphical representation of an extract of each subnetwork for interlinked subnetworks, in a region of a subnetwork interface, which includes hierarchically

structured details of the node types present in the region of the subnetwork interface concerned, and details of the links which exist between the node types."

The Examiner disagrees for the following reasons.

Battat disclose "a second selector for selecting a combined graphical representation of an extract of each subnetwork for interlinked subnetworks, in a region of a subnetwork interface, which includes hierarchically structured details of the node types present in the region of the subnetwork interface concerned, and details of the links which exist between the node types," (abstract, Figure 5, col., 4 lines, 53 and col., 17 lines 39-67).

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESEKER TAKELE whose telephone number is (571)270-1653. The examiner can normally be reached on Monday - Friday 7:30AM-5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./  
Examiner, Art Unit 2174

/David A Wiley/  
Supervisory Patent Examiner, Art Unit 2174